

Plu



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,506	04/03/2001	Geoffrey T. Barker	VIGL116340	2007

26389 7590 08/26/2004

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

AVELLINO, JOSEPH E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,506

Applicant(s)

BARKER ET AL.

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) *
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-58 are presented for examination with claims 1, 34, and 48 independent.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 6 recites the limitation "characterized as device data" in lines 7-8 of the claim. There is insufficient antecedent basis for this limitation in the claim. It is believed that this is a misinterpretation of the data and should read "as event data" since this term is defined earlier in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 7, 9-15, 18-22, 24, 32-43, and 47-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Fowler et al. (USPN 6,714,977) (hereinafter Fowler).

6. Referring to claim 1, Fowler discloses a method for providing an integrated information system in a system having at least one monitoring device (i.e. sensor 60), the method comprising:

obtaining monitoring device data (i.e. temperature, humidity, etc.) from the at least one monitoring device 60 (Figure 14, reference character 406; col. 16, lines 52-56);

obtaining one or more rules (i.e. high/low thresholds) corresponding to the at least one monitoring device (i.e. obtaining the high/low temperature thresholds when considering temperature data) (col. 17, lines 8-15);

processing the monitoring device data according to the monitoring rules (col. 17, lines 8-15); and

generating an output (i.e. an alarm) corresponding to the processing of the monitoring device data, wherein the output may include no output (col. 17, lines 8-15).

7. Referring to claim 2, Fowler discloses processing the monitoring device data according to the rules includes determining whether the monitoring device data exceeds the rule threshold (Figure 17; col. 17, lines 8-15).

8. Referring to claim 3, Fowler discloses comprising characterizing the monitoring device data as asset data, resource data or event data (the data must be characterized since thresholds pertaining to a smoke alarm setting would not be useful for a humidity sensor reading data);

wherein asset data (i.e. temperature and humidity data from the server room as seen in Figure 17) includes data from an identifiable object that is not capable of independent action (e.g. abstract);

wherein resource data (e.g. data pertaining to the web servers such as disk activity and CPU fan rpm as seen in Figure 17) includes data from an identifiable object that is capable of independent action (such as acting as a router or server) (e.g. abstract; col. 17, lines 30-38); and

wherein event data (e.g. smoke alarms as seen in Figure 17) includes data from a device having a defined state (such as on or off) (col. 3, lines 25-26).

9. Referring to claim 6, Fowler discloses obtaining one or more rules (i.e. thresholds) corresponding to the at least one monitoring device includes:

obtaining asset rules (i.e. temperature or humidity thresholds) if the monitoring device data is characterized as asset data (col. 17, lines 8-15);

obtaining resource rules (i.e. router or server threshold rules) if the monitoring device data is characterized as resource data (Figure 17; col. 17, lines 8-38);

Art Unit: 2143

obtaining device rules if the monitoring device data is characterized as device data (col. 3, lines 25-26).

10. Referring to claim 7, Fowler discloses the device rules establish a state threshold for a rule violation, and determining whether the monitoring device data indicates a particular state (the Smoke alarm threshold is set to "on" and therefore will trigger an alarm if the smoke alarm is activated) (Figure 17).

11. Referring to claim 9, it is an inherent feature of the invention that the monitoring device data must somehow identify the monitoring device, otherwise it would be undeterminable as to what device this monitoring data pertains to, and would not be able to figure out if the incoming data is temperature, or humidity, or a smoke alarm status.

12. Referring to claims 10-13, it is an inherent feature of the invention that the identifying data is compared against a database of known assets and resources since the thresholds for all the sensed conditions are stored in the database and they must be matched up somehow in order for the program to check the readings against the thresholds, therefore there must be some way to correlate the thresholds to the measured readings.

Art Unit: 2143

13. Referring to claim 14, Fowler discloses generating an output includes generating a communication (i.e. an email) to one or more designated users) (col. 17, lines 20-23).

14. Referring to claim 15, Fowler discloses obtaining a schedule of preferred notification methods (i.e. primary and secondary email addresses, pager numbers, etc.) and selecting a notification method from the schedule of notification methods (col. 17, lines 16-29).

15. Referring to claim 18, Fowler discloses generating a communication includes generating a wireless communication to a designated user (i.e. email-enabled cell phone) (col. 17, lines 23-29).

16. Referring to claim 19, Fowler discloses generating an output includes initiating an action (i.e. generating an email) (col. 17, lines 15-23).

17. Referring to claims 20 and 21, Fowler discloses the action includes activating a physical device within a monitored premises (illuminating an "out of limits" LED on the faceplate of the device) (Figure 11-12D; col. 12, line 49 to col. 13, line 9).

18. Referring to claim 22, Fowler discloses the physical device is an audible alarm (col. 15, lines 13-16).

Art Unit: 2143

19. Referring to claim 24, Fowler discloses processing one or more additional monitoring device rules prior to generating an output (i.e. all the rules and thresholds for all devices are executed before the web page was generated (Figure 17).

20. Claims 32-34, 37-43, 45, 47-49, and 51-58 are rejected for similar reasons as stated above.

21. Referring to claims 35, 36, and 50, Fowler discloses comprising at least three premises servers (i.e. "High Plains" Compaq, another "High Plains" Compaq, and "Old Guy" Dell 4000) in communication with at least one of the monitoring devices (i.e. CPU temperature sensors installed in the servers), wherein the premises server is operable to obtain the monitoring device data from the monitoring device and to transmit the monitoring device data to the central processing server (i.e. the ClimateBot) (Figure 17 and pertinent portions of the disclosure). Furthermore it is well known that servers are used as parallel processors.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler.

24. Referring to claims 4 and 5, Fowler discloses the invention substantively as described in claim 3. Fowler furthermore discloses numerous thresholds characterized as asset or resource or device data, however not asset and device data or resource and device data. However it is seen in Figure 17 that the smoke alarm is a device, but is also incapable of independent action (i.e. it is only designed to monitor to see if there is smoke or not), and therefore could be characterized as an asset data as well. It is seen that resource data for the term "Data Lines Up?" is capable of independent action (i.e. transmitting data across lines) however has a defined state (on/off) and therefore could be furthermore characterized as event data. By this rationale It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the

teaching of Fowler to include characterizing thresholds as asset and device data or resource and device data in order to furthermore facilitate the description of the data to the user, thereby increasing understanding as to what the device is specifically doing.

25. Referring to claims 16 and 17, Fowler discloses the invention substantively as described in claim 15. Fowler does not specifically state the notification methods are based on a time of day and each person is associated with a schedule of preferred notification methods. "Official Notice" is taken that both the concept and advantages of providing for maintaining a schedule of preferred notification methods based on a time of day and preferred notification methods for each designated user is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to provide for maintaining a schedule of preferred notification methods based on a time of day and preferred notification methods for each designated user to cater to each designated user's technology habits and to better assist the users to get the required information to the right people at the right time, thereby increasing customer service and reducing wait time for the system.

26. Referring to claim 25, Fowler discloses the invention substantively as described in claim 1. Fowler does not specifically state including a network access monitor which identifies users logged into a computer network. "Official Notice" is taken that both the concept and advantages of providing for a network access monitor to identify users on a network is well known and expected in the art. It would have been obvious to one of

Art Unit: 2143

ordinary skill to include a network access monitor to the system of Fowler to restrict access to the website such that malicious users will not be able to access the information, possibly compromising security and breaching protocols.

Claims 8, 23, 26, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler in view of Xin (USPN 6,429,893).

27. Referring to claim 8, it is an inherent feature to any motion detector that there must be a lower limit threshold to flag an alert (such as a person walking by, not a piece of paper blowing in the wind). Therefore it is understood that there must be a rule which states the lower limit threshold (i.e. how much movement there must be in order to detect motion) installed into the motion detector 29.

28. Referring to claims 23, and 44, Fowler discloses the invention substantively as described in the claims as stated above. Fowler does not specifically disclose the physical device is a microphone and speaker assembly. In analogous art, Xin discloses an integrated sensory security network, wherein an output of the rules activates a microphone and speaker assembly (e.g. abstract; Figures 1-5). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Xin with Fowler to easily allow the homeowner to communicate orally with a person who approaches a door, thereby increasing security around the house as well as setting the homeowners mind at ease as supported by Xin (abstract).

29. Referring to claim 26, Fowler discloses the invention substantively as described in claim 1. Fowler furthermore discloses setting up a movement sensor (i.e. door sensor) to determine when someone has entered the server room and to snap a picture a predetermined time later (usually one second) to furthermore enhance security of the server room to determine who has entered the room (col. 4, lines 19-29) however does not specifically identify whether an individual has passed through a monitored area. Xin discloses a video monitoring system which is keyed on motion sensor wherein if an individual enters the field of the sensor, the video camera is triggered and starts capturing video (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Xin with Fowler to easily allow the homeowner to communicate orally with a person who approaches a door, thereby increasing security around the house as well as setting the homeowners mind at ease as supported by Xin (abstract).

Claims 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler in view of Xin in view of Burger (USPN 6,219,439).

30. Referring to claim 27, Fowler in view of Xin discloses the invention substantively as described in claim 26. Fowler in view of Xin does not specifically disclose capturing data identifying a particular individual passing through the monitored area. In

Art Unit: 2143

analogous art, Burger discloses another security system wherein data (i.e. from the smart-card and a biometric identification such as a fingerprint) is captured and logged which identifies the individual (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Burger with Xin and Fowler to provide security to a monitored area which prevents "hacking" or other unauthorized access to the authentication process and data, thereby enhancing security around the monitored area as supported by Burger (col. 3, lines 65-67).

Claims 28-31, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler in view of Burger.

31. Referring to claims 28-30, Fowler discloses the invention substantively as described in claim 1. Fowler does not specifically disclose the one monitoring device includes a number of monitoring devices and wherein the monitoring device data includes data identifying the location of individuals within a premises. Burger discloses another security monitoring system wherein the one monitoring device includes a number of monitoring devices (the biometric housing contains a biometric sensor to obtain the biometric data, and furthermore contains a sensor to determine when a card has been inserted into the housing unit) and wherein the monitoring device data includes data identifying the location and identities of individuals within a premises (all data is logged to grant access to the individual) and can furthermore generate an output

Art Unit: 2143

dedicated to a particular individual within the premises (flag an alert to a supervisor when someone enters or exits through a particular door) (e.g. abstract; col. 7, lines 28-45). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Burger with Fowler to provide security to a monitored area which prevents "hacking" or other unauthorized access to the authentication process and data, thereby enhancing security around the monitored area as supported by Burger (col. 3, lines 65-67).

32. Referring to claim 31 and 46, Fowler discloses the invention substantively as described in claim 1. Fowler does not specifically disclose obtaining monitoring device data from a distributed communication network. Burger discloses there could be hundreds of doors connected to a single gateway by a network (it would be conceivable by one of ordinary skill in the art that hundreds of doors might not be connected by one single network, and may be distributed over a number of buildings, and therefore could be connected by the Internet as well) (col. 7, lines 13-25). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Burger with Fowler to provide security to a monitored area which prevents "hacking" or other unauthorized access to the authentication process and data, thereby enhancing security around the monitored area as supported by Burger (col. 3, lines 65-67).

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
34. Glick et al. (USPN 6,064,316) discloses an electromechanical access control system.
35. Bodmer et al. (USPN 6,263,260) discloses a home and building automation system.
36. Stevenson et al. (USPN 6,704,284) discloses monitoring stress in a network.
37. Felouzis et al. (USPN 5,943,673) discloses a configuration programming system for a life safety network.
38. Fernandez set al. (USPN 6,697,103) discloses an integrated network for monitoring remote objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

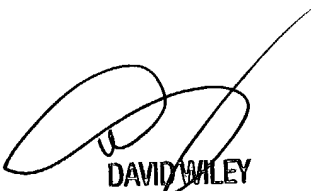
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA

July 19, 2004



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
TECHNOLOGY CENTER 2100